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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

de Almeida

Serial No. 08/859,353

Filed: May 20, 1997

For: GAS FLOW CONTROL DEVICE



Confirmation No.: 7656

Atty. Ref.: 2764-38

TC/A.U.: 3753

Examiner: K. Lee

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June 28, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR DECISION ON INTERFERENCE REQUEST**

It is respectfully requested that a final decision be rendered on the Request for Declaration of Interference originally filed September 17, 1999 and re-submitted on December 15, 1999.

The undersigned contacted the Examiner on May 31, 2005 and again on June 14, 2005 but was unable to learn the status of the interference investigation.

By way of background, after the Request for Declaration of Interference was filed and re-submitted, ex parte prosecution was suspended on February 8, 2000 "due to a potential interference". Then, in an Official Action dated January 30, 2001, the Examiner advised that the Request for Declaration of an Interference "has been denied at this time due to the [sic] claim 4 of the instant application not being allowable as previously indicated."

On July 20, 2001, ex parte prosecution was again suspended "due to a potential interference." A further Official Action was issued on January 2, 2002, advising that the suspension had been lifted but that the "investigation into the potential interference is continuing."


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On July 16, 2002, a further Office Communication was issued concerning this application in which the Examiner advised that "the investigation into the potential Interference is continuing". The Examiner thereafter issued several further Official Actions on the merits and ultimately issued a Notice of Allowance, but the Examiner never issued any further Decision or comment on the investigation into the potential interference and no interference has yet been declared.

It is respectfully requested that a Decision on the Request for Interference now be issued, granting the Interference request, and that an interference proceeding now be commenced.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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